

# Notice of Allowability

Application No.

10/656,699

Examiner

Gay Ann Spahn

Applicant(s)

GRABER ET AL.

Art Unit

3635

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on 23 August 2007.
2. ☒ The allowed claim(s) is/are 1, 3, 6, 7, 13, 16, 18 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____   |

### **PROPOSED EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory S. Cooper on 28 AUGUST 2007.

The application has been amended as follows:

#### **IN THE SPECIFICATION:**

Page 9, line 13, change "movable" to --removable--.

#### **IN THE CLAIMS:**

Please cancel claim 12 and amend claims 1, 18, and 19, as follows:

Claim 1. (Currently Amended) A landscaping channel liner comprising:

a longitudinally-extending trough having a longitudinally-extending floor located between opposed first and second longitudinally-extending sidewalls extending therefrom, and having first and second opposed transverse open ends formed from the floor and sidewalls;

wherein the first and second sidewalls define a longitudinally-extending edge located opposite the longitudinally-extending floor;

a first longitudinally-extending tubular receptacle located on the longitudinally-extending edge of the first longitudinally-extending sidewall, and a second longitudinally-extending tubular receptacle located on the longitudinally-extending edge of the second longitudinally-extending sidewall;

each first and second longitudinally-extending tubular receptacle having first and second transverse openings having a cylindrical cross-section;

wherein the second transverse opening of each first and second receptacle extends to the second transverse open end formed from the floor and sidewalls, and each first transverse opening of each first and second receptacle terminates short of the first transverse open end formed from the floor and sidewalls, such that a portion of the edge extends between the first transverse opening and the first transverse open end;

wherein a portion of the floor and sidewalls located adjacent the first transverse open end is configured to be overlapped by a second landscaping channel liner;

wherein the first transverse openings of the first and second longitudinally-extending receptacles are configured to face and are connectable with openings of the second landscaping channel liner;

a removable panel section located on the longitudinally-extending floor between the first and second longitudinally-extending receptacles and not between the portion of the edges that extends between the first transverse openings and the first transverse open end so that when the second landscaping channel liner overlaps the portion of the floor of the landscaping channel liner, the removable panel section is not covered by the second landscaping channel liner;

wherein the panel section is identifiable by a plurality of ~~[[seams]]~~ perforated edges that allow the panel section to be selectively removable from the floor; and

wherein when the panel section is removed, the resulting opening in the floor is configured to receive a fence post which extends through the opening.

Claim 12. (Canceled).

Claim 18. (Currently Amended) The landscaping channel liner of Claim 1, wherein the panel section includes a plurality of interior panel sections each defined by a plurality of second ~~[[seams]]~~ perforated edges; wherein the second ~~[[seams]]~~ perforated edges make the interior panel sections quadrilaterally shaped; and wherein a ~~longitudinally~~laterally-extending ~~seam portion~~ perforated edge from each interior panel section is coincident with one of the plurality of ~~[[seams]]~~ perforated edges from the panel section.

Claim 19. (Currently Amended) The landscaping channel liner of Claim 18, wherein the longitudinally-extending floor comprises a ~~[[third]]~~ seam extending from the first transverse open end to the coincident ~~[[seam]]~~ perforated edge.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

<sup>GAS</sup>  
Gay Ann Spahn, Patent Examiner  
August 28, 2007

  
RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER